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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MARCH 12, 2003

APPLICATION OF

METETHER COMMUNICATIONS OF
VIRGINIA, INC.

CASE NO. PUC-2002-00149

For certificates of public
convenience and necessity to
provide local exchange and
interexchange telecommunications
services

FINAL ORDER

On October 10, 2002, MetEther Communications of Virginia, Inc. ("MetEther" or the "Company"),¹ filed an application for certificates of public convenience and necessity with the State Corporation Commission ("Commission") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Company also requested authority to price its interexchange telecommunications services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

By Order dated October 22, 2002, the Commission directed the Company to provide notice to the public of its application and directed the Commission Staff to conduct an investigation

¹ This application was originally filed as MetEther Communications of Virginia, LLC. An amendment was filed on October 17, 2002, correcting the Applicant's name and corporate structure.

and file a Staff Report. By Order dated December 19, 2002, the Commission extended the date for publication of notice. On February 10, 2003, the Company filed proof of publication and proof of service as required by the December 19, 2002, Order.

On February 19, 2003, the Staff filed its Report finding that MetEther's application was in compliance with the Rules Governing the Offering of Competitive Local Exchange Telephone Service ("Local Rules") and the Rules Governing the Certification of Interexchange Carriers. Based upon its review of MetEther's application, the Staff determined it would be appropriate to grant the Company certificates to provide local exchange and interexchange telecommunications services subject to the following conditions: (1) should MetEther collect customer deposits, it shall, prior to collecting any deposits, establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association, savings bank, or credit union that is unaffiliated with the Company and shall notify the Division of Economics and Finance of the escrow arrangement at its inception and any subsequent change to the arrangement. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary; (2) the Company shall provide audited financial statements of its parent, MetEther

Communications, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of MetEther's initial Virginia tariff; and (3) at such time as voice services are initiated by MetEther, it shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

NOW THE COMMISSION, having considered the application and the Staff Report, finds that the Company should be granted certificates to provide local exchange and interexchange telecommunications services. Having considered § 56-481.1, the Commission further finds that the Company may price its interexchange telecommunications services competitively.

Accordingly, IT IS ORDERED THAT:

(1) MetEther Communications of Virginia, Inc., is hereby granted a certificate of public convenience and necessity, No. TT-190A, to provide interexchange telecommunications services subject to the restrictions set forth in the Commission's Rules Governing the Certification of Interexchange Carriers, § 56-265.4:4 of the Code of Virginia, and the provisions of this Order.

(2) MetEther Communications of Virginia, Inc., is hereby granted a certificate of public convenience and necessity, No. T-607, to provide local exchange telecommunications services subject to the restrictions set forth in the Rules Governing the Offering of Competitive Local Exchange Telephone Service, § 56-

265.4:4 of the Code of Virginia, and the provisions of this Order.

(3) Pursuant to § 56-481.1 of the Code of Virginia, the Company may price its interexchange telecommunications services competitively.

(4) The Company shall provide tariffs to the Division of Communications that conform to all applicable Commission rules and regulations.

(5) Should MetEther collect customer deposits, it shall, prior to collecting any deposits, establish and maintain an escrow account for such funds, held in a Virginia office of a duly chartered state or national bank, savings and loan association, savings bank, or credit union that is unaffiliated with the Company and shall notify the Division of Economics and Finance of the escrow arrangement at its inception and any subsequent change to the arrangement. Any escrow arrangement established pursuant to this requirement shall be maintained until such time as the Staff or Commission determines it is no longer necessary.

(6) The Company shall provide audited financial statements of its parent, MetEther Communications, Inc., to the Division of Economics and Finance no later than one (1) year from the effective date of MetEther's initial tariff in Virginia.

(7) At such time as voice services are initiated by MetEther, it shall comply with all requirements of § C (Conditions for certification) of the Local Rules.

(8) There being nothing further to come before the Commission, this case shall be dismissed and the papers filed herein placed in the file for ended causes.